

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In Re:

Ronald L Henry,

Debtor

Case No. 1-16-42200-nhl
Chapter 7

Assigned to:
Honorable Nancy Hershey Lord
Bankruptcy Judge

**RELIEF FROM STAY - REAL ESTATE AND
COOPERATIVE APARTMENTS**

BACKGROUND INFORMATION

1. ADDRESS OF REAL PROPERTY OR COOPERATIVE APARTMENT:

287 Franklin Ave, Brooklyn, New York 11205

2. LENDER NAME: CIT Bank, N.A., formerly known as OneWest Bank N.A.,
formerly known as OneWest Bank, FSB

3. MORTGAGE DATE: August 31, 2007

4. POST-PETITION PAYMENT ADDRESS: CIT Bank, N.A.
Attn Cashiering Department
6900 Beatrice Drive
Kalamazoo, Michigan 49009

DEBT/VALUE REPRESENTATIONS

**5. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTORS TO
MOVANT AT THE TIME OF FILING THE MOTION: \$1,264,796.88** (as of May 20, 2016)
(this amount may not to be relied on as a "payoff" quotation.)

**6. MOVANT'S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR
COOPERATIVE APARTMENT AS OF THE MOTION FILING DATE: \$988,500.00**

7. SOURCE OF ESTIMATED VALUATION: Broker's Price Opinion

STATUS OF DEBT AS OF PETITION DATE**8. DEBTOR'S INDEBTEDNESS TO MOVANT AS OF PETITION DATE:**

A. TOTAL	\$ 1,264,728.61
B. PRINCIPAL	\$ 712,000.00
C. INTEREST	\$ 386,747.43
D. ESCROW(TAXES AND INSURANCE)	\$ 142,059.22
E. FORCED PLACED INSURANCE EXPENDED BY MOVANT	\$ 0.00
F. PRE-PETITION ATTORNEYS' FEES CHARGED TO DEBTOR	\$ 4,377.50
G. PRE-PETITION LATE FEES CHARGED TO DEBTOR	\$ 6,364.84

9. CONTRACTUAL INTEREST RATE: 9.125% (If interest rate has changed, list the rates and dates that each rate was in effect on a separate sheet and attach the sheet as an exhibit to this form. State the Exhibit number here "B")

10. OTHER PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTORS' ACCOUNT NOT LISTED ABOVE:

\$781.00 Inspection Fees	\$3,882.00 BPO Charges
\$1,260.00 Filing Costs	\$400.00 Title Costs
\$2,253.80 Service Costs	\$2,928.58 Utility Lien
\$1,674.24 Property Preservation Fee	

(If additional space is needed, please list the amounts on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: n/a)

**AMOUNT OF POST-PETITION DEFAULT
AS OF THE MOTION FILING DATE**

11. DATE OF RECEIPT OF LAST PAYMENT: n/a

12. NUMBER OF PAYMENTS DUE FROM PETITION DATE TO MOTION FILING DATE:
0 PAYMENTS

12A. NUMBER OF PAYMENTS DUE PRE-PETITION BEGINNING WITH
PAYMENTS DUE ON 04/01/2008: 98 pre-petition payments

13. POST-PETITION PAYMENTS IN DEFAULT:

PAYMENT DUE DATE	AMOUNT DUE	AMOUNT RECEIVED	AMOUNT APPLIED TO PRINCIPAL	AMOUNT APPLIED TO INTEREST	AMOUNT APPLIED TO ESCROW	LATE FEE CHARGED
	n/a					

13A. PRE-PETITION PAYMENTS IN DEFAULT

MONTHLY BEGINNING	NUMBER OF PAYMENTS	PRINCIPAL AND INTEREST	ESCROW	TOTAL PAYMENT	TOTAL DUE
4/1/2008	19	5,414.17	1.00	5,415.17	102,888.23
11/1/2009	35	5,414.17	476.50	5,890.67	206,173.45
10/1/2012	12	2,447.50	476.50	2,924.00	35,088.00
10/1/2013	12	2,002.50	476.50	2,479.00	29,748.00
10/1/2014	3	1,928.33	476.50	2,404.83	7,214.49
1/1/2015	3	1,928.33	484.86	2,413.19	7,239.57
4/1/2015	4	1,928.33	5,140.92	7,069.25	28,277.00
8/1/2015	2	1,928.33	549.70	2,478.03	4,956.06
10/1/2015	1	2,076.67	549.70	2,626.37	2,626.37
11/1/2015	6	2,076.67	6,086.29	8,162.96	48,977.76
5/1/2016	1	2,076.67	5,291.24	7,367.91	7,367.91
TOTAL PRE-PETITION ARREARAGE:			\$480,556.84		

14. OTHER POST PETITION FEES CHARGED TO DEBTORS:

A. TOTAL:	\$ 926.00
B. ATTORNEYS' FEES IN CONNECTION WITH THIS MOTION:	\$ 750.00
C. FILING FEE IN CONNECTION WITH THIS MOTION:	\$ 176.00
D. OTHER POST-PETITION ATTORNEYS' FEES:	\$ 0.00
E. POST-PETITION INSPECTION FEES:	\$ 0.00
F. POST-PETITION APPRAISAL/BROKER'S PRICE OPINION FEES	\$ 0.00
G. FORCED PLACED INSURANCE EXPENDED BY MOVANT:	\$ 0.00

15. AMOUNT HELD IN SUSPENSE BY MOVANT: \$-0.00

16. OTHER POST-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR'S ACCOUNT NOT LISTED ABOVE: n/a

(IF ADDITIONAL SPACE IS REQUIRED, LIST THE AMOUNT(S) ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: N/A)

REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to this motion and indicate the exhibit number associated with the documents.

- (1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party should be attached. (Exhibit A.)
- (2) Copies of documents establishing proof of standing to bring this Motion. (Exhibit A.)
- (3) Copies of documents establishing Movant's interest in the real property or cooperative apartment were perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office or the Register of the county the property or cooperative apartment is located in. (Exhibit A.)

DECLARATION AS TO BUSINESS RECORDS

I, Victoria Frausto, THE assistant secretary OF CIT BANK, N.A., FORMERLY KNOWN AS ONEWEST BANK N.A., FORMERLY KNOWN AS ONEWEST BANK, FSB THE MOVANT HEREIN, DECLARE PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS FORM AND ANY EXHIBITS ATTACHED HERETO (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1, 2, AND 3, ABOVE) IS DERIVED FROM RECORDS THAT WERE MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS; THAT THE RECORDS WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY; AND THAT THE RECORDS WERE MADE IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER DECLARE THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS FORM AS REQUIRED BY PARAGRAPHS 1, 2, AND 3, ABOVE, ARE TRUE AND CORRECT COPIES OF THE ORIGINAL DOCUMENTS.

EXECUTED AT Austin Texas

ON THIS 9th DAY OF June, 2016.



NAME: Victoria Frausto

TITLE: assistant secretary

MOVANT: CIT Bank, N.A., formerly known as OneWest Bank N.A., formerly known as OneWest Bank, FSB
2900 Esperanza Crossing
Austin, TX 78758

DECLARATION

I, Victoria Frausto, THE assistant secretary OF CIT BANK, N.A., FORMERLY KNOWN AS ONEWEST BANK N.A., FORMERLY KNOWN AS ONEWEST BANK, FSB THE MOVANT HEREIN, DECLARE PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE OF THE MOVANT'S BOOKS AND BUSINESS RECORDS.

EXECUTED AT Austin Texas

ON THIS 9th DAY OF June, 2016



NAME: Victoria Frausto

TITLE: assistant secretary

MOVANT: CIT Bank, N.A., formerly known as OneWest Bank N.A., formerly known as OneWest Bank, FSB
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